

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

HOWARD J. MITCHELL,

Plaintiff,

vs.

THOMAS DUFFOLA, in official and
individual capacity, THE CITY OF
PITTSBURGH POLICE DEPARTMENT,
DOE I (Inclusive),

Defendants.


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) Civil Action No. 11-634
) Judge Nora Barry Fischer/
) Magistrate Judge Maureen P. Kelly
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ORDER

AND NOW, this 20th day of October, 2011, after the Plaintiff,
Howard J. Mitchell, filed an action in the above-captioned case, and after a Report and
Recommendation was filed by the United States Magistrate Judge granting the parties until
October 24, 2011, to file written objections thereto, and Plaintiff's copy of the Report and
recommendation having been returned by Allegheny County Jail indicating that he is no longer
there, and upon independent review of the record, and upon consideration of the Magistrate
Judge's Report and Recommendation, which is adopted as the opinion of this Court,

IT IS HEREBY ORDERED that the Complaint [3] is DISMISSED for failure to
prosecute.

IT IS FURTHER ORDERED that, pursuant to Rule 4(a)(1) of the Federal Rules of Appellate Procedure, if the parties desire to appeal from this Order they must do so within thirty (30) days by filing a notice of appeal as provided in Rule 3, Fed. R. App. P.



NORA BARRY FISCHER
United States District Judge

cc: Honorable Maureen P. Kelly
United States Magistrate Judge

Howard J. Mitchell
125788
Allegheny County Jail
950 Second Avenue
Pittsburgh, PA 15219

All Counsel of Record by electronic filing